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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/878,251	06/12/2001	Masanori Taketsugu	017661-0178	2970

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FOLEY AND LARDNER
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WASHINGTON, DC 20007

EXAMINER

CHOU, ALBERT T

ART UNIT	PAPER NUMBER
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2662

DATE MAILED: 01/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/878,251

Applicant(s)

TAKETSUGU, MASANORI

Examiner

Albert T. Chou

Art Unit

2662

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06-12-2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,3 and 7 is/are rejected.
- 7) ☒ Claim(s) 4,5,6 and 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claims 1, 2, 4 and 5 are objected because of the following informalities:

The term “**wireless line**”, which is used throughout the claim section (claim 1, lines 5 & 7; claim 2, lines 5 & 8; claim 4, lines 2 & 5; claim 5, lines 2 & 5), is confusing since the term “line” is mostly used in the “wired” domain. Examiner suggests that using the term such as “**wireless link**” or “**wireless channel**” will be more appropriate and less confusing in the wireless domain. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3 and 7 are rejected under 35 U.S.C. 102 (e) as being anticipated by Xu et. al (US Patent Number: 6,501,732) hereinafter referred to as Xu.

Art Unit: 2662

4. Regarding claim 1, Xu teaches (Figure 1; col. 4, lines 7-39: Abstract), a method, for controlling the flow of data (for controlling a transmission capacity) from a **Data network 80** (on a wired line in every call in a data communication in accordance with a packet system) to a mobile user over a **Wireless Link 20** (data is transmitted in a wireless line), comprises the steps of

setting the **Airlink Data Rate 125** to the expected data rate of data transmission (Figures 3 & 4A, Step 204; col. 7, lines 27-34) (measuring an practical transmission speed of data on wireless line in every call);

checking the **Available Buffer Size 128** to determine if the **MSC Buffer 100** has space to receive data from **Gateway 40** (Figures 2-3; col. 6, lines 39-41) (determining transmission capacity that is required for transmitting data at transmission speed through wired line in every call as a target transmission capacity);

verifying (figure 3; col. 6, lines 41-50) the **Available Buffer Size 128** to ensure the **MSC Buffer 100** has space for more data (permissible transmission capacity that is usable for transmission of data through the wired line is larger than the target transmission capacity), determining the gateway data size of X bytes to send and updating the **Available Buffer Size 128** to indicate that it is reduced by the gateway data size of X bytes (decreasing a permissible transmission capacity);

storing (increasing the permissible transmission capacity) the remaining data in **Interworking Gateway Buffer 124** (Figure 3; col. 6, lines 50-54) if the gateway data size, which is related to **Available Buffer Size 128** and **MSC**

Art Unit: 2662

Buffer 100, is less than the **Network Data Transmission 130** (*in the case of permissible transmission capacity is smaller than the said target transmission capacity*); and

ensuring (figure 3; col. 6, lines 41-50) the gateway data size of X bytes (Figure 3; **X-BYTES TO SEND**) is properly controlled so as to be less or equal to the **Available Buffer Size 128** (*transmission speed of data in wired line being controlled so as to be equal to or less than permissible transmission capacity*).

5. Regarding claim 2, Xu teaches (Figure 1; col. 4, lines 7-39: Abstract), a method, for controlling the flow of data (*for controlling a transmission capacity*) from a **Data network 80** (*on a wired line in every call in a data communication in accordance with a packet system*) to a mobile user over a **Wireless Link 20** (*data is transmitted in a wireless line*), comprises the steps of

setting the **Airlink Data Rate 125** to the expected data rate of data transmission (Figures 3 & 4A, Step 204; col. 7, lines 27-34) (*measuring an practical transmission speed of data on wireless line in every call*);

checking the **Available Buffer Size 128** to determine if the **MSC Buffer 100** has space to receive data from **Gateway 40** (Figures 2-3; col. 6, lines 39-41) (*determining transmission capacity that is required for transmitting data at transmission speed through wired line in every call as a target transmission capacity*);

verifying (figure 3; col. 6, lines 41-50) the **Available Buffer Size 128** to ensure the **MSC Buffer 100** has space for more data (*in the case where a*

Art Unit: 2662

difference between permissible transmission capacity that is usable for transmission of data through the wired line and the target transmission capacity is smaller than a predetermined first threshold), determining the gateway data size of X bytes to send and updating the **Available Buffer Size 128** to indicate that it is reduced by the gateway data size of X bytes (decreasing a permissible transmission capacity);

storing (increasing the permissible transmission capacity) the remaining data in **Interworking Gateway Buffer 124** (Figure 3; col. 6, lines 50-54) if the gateway data size, which is related to **Available Buffer Size 128** and **MSC Buffer 100**, is less than the **Network Data Transmission 130** (in the case where a difference between the permissible transmission capacity and the target transmission capacity is larger than a predetermined second threshold); and

ensuring (figure 3; col. 6, lines 41-50) the gateway data size of X bytes (Figure 3; **X-BYTES TO SEND**) is properly controlled so as to be less or equal to the **Available Buffer Size 128** (transmission speed of data in wired line being controlled so as to be equal to or less than permissible transmission capacity).

6. Regarding claims 3 and 7, Xu teaches (Figure 3; col. 6, lines 62-66) that by updating the **Available Buffer Size 128** periodically, the **Data Flow Controller 120** can determine the gateway data size such that the gateway **Data Transmission 140** (Figure 3, **X-BYTES TO SEND**) will not result in an overflow of the **MSC Buffer 100** (permissible transmission capacity is periodically updated).

Art Unit: 2662

Allowable Subject Matter

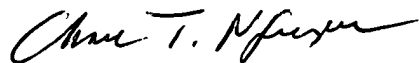
7. Claims 4, 5, 6 and 8 are objected but will be allowable if the appropriate correction to the aforementioned ***Claim Objections*** section is taken.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Albert T. Chou whose telephone number is 571-272-6045. The examiner can normally be reached on 8:30 - 17:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on 571-272-3088. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AC

Albert T. Chou
December 29, 2004



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SUPERVISORY PATENT EXAMINER
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